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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,963

10/19/2005

Michael Kong

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4955

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07/24/2008

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EXAMINER

STALDER, MELISSA A

ART UNIT

PAPER NUMBER

4162

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,963

Applicant(s)

KONG ET AL.

Examiner

MELISSA STALDER

Art Unit

4162

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-15, 17, 18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-15, 17, 18, and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 6-24-05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3 and 4 recites the limitations "the applied voltage," "the form," "the half cycles," "the magnitude," "the integral," "the voltage," "the first half" and "said half cycle" in lines 2-7. There is insufficient antecedent basis for this limitation in the claim.

3. Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims do not define what equations E1, E2, and E3 are.

4. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 claims a non-sinusoidal voltage waveform for generating a non-thermal atmospheric plasma as in claim 10. However, claim 10 claims a sinusoidal function waveform.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4-8, 10-15, 17, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Spence (US 5,895,558). Spence teaches a method for generating plasma with an asymmetric voltage pulse between the two electrodes. This pulse creates an asymmetric voltage waveform (col. 1, lines 44-52) which is a truncated sinusoid.
2. Regarding claims 4-5, Spence teaches a waveform in Fig. 8a where the magnitude of the integral of the voltage is greater in the first half of the cycle than in the second half of the cycle. Spence also teaches a waveform in Fig. 10 that is a resonance discharge.
3. Regarding claims 6-8, these equations are inherent with the certain applied voltages.
4. Regarding claim 10 and 17, Spence teaches a periodic voltage and current waveform in Figures 10a-10c where the peak of the voltage is closer in time to a first preceding max in the magnitude of the current and the waveform follows a sinusoidal function but is reduced below it in Fig. 10c.
5. Regarding claims 11-14, Figures 10a and 10b demonstrate a period with a first portion with a positive gradient, a zero gradient in the second portion and a negative gradient in the third portion. These portions are in order and are followed by fourth portion.
6. Regarding claim 15, Fig. 8 teaches a non-sinusoidal voltage waveform.
7. Regarding claim 18, Fig. 10 c displays a waveform that is in part a truncated sinusoid and decays asymmetrically.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 9, 15, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spence (5,895,558) in view of Taylor (4,672,568). Spence teaches plasma generation and a truncated waveform but does not teach a control system. Taylor teaches the generation of a triangular (non-sinusoidal) waveform that uses an arithmetic logic unit and a controller to detect amplitude value and control the operation of the circuit through measurement of the current amplitude. Then the ALU issues an output signal. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a controller on this waveform technique because these measurements allow the user to manipulate the waveform and truncate it in order to approximate a sinusoidal waveform. Non-sinusoidal waves have the harmonic frequencies with significant amplitudes and therefore are suitable for many applications.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA STALDER whose telephone number is (571)270-5832. The examiner can normally be reached on Monday-Friday, 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on 571-272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4162

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MS

/Jennifer McNeil/
Supervisory Patent Examiner, Art Unit 4162